

**Camden County Board of Commissioners**

**Regular Meeting**

**October 15, 2007**

**7:00 P.M.**

**Historic Courtroom, Courthouse Complex  
Camden, North Carolina**

**MINUTES**

The regular meeting of the Camden County Board of Commissioners was held on Monday, October 15, 2007 at 7:00 p.m. in the Historic Courtroom, Courthouse Complex, Camden, North Carolina. The following members were present:

Chairman Jeffrey B. Jennings

Vice Chairman Philip Faison

Commissioners Melvin J. Jeralds, Sandy Duckwall, and Mike Andrews

Also present was County Manager Randell Woodruff, Clerk to the Board Ava Gurganus, and County Attorney John Morrison.

Chairman Jeffrey Jennings called the meeting to order, gave the invocation and led those assembled in the Pledge of Allegiance.

**Public Comments**

Chairman Jeffrey Jennings called for any comments from the public.

Larry Johnson, 106 East Robin Court, spoke regarding the economic impact and loss of income for the county if an OLF locates in Camden County. Mr. Johnson spoke in opposition of an OLF in Camden County and informed everyone that a NO OLF link will be on the *Daily Advance* website for citizens to voice their opinion.

Pat Cuthrell, 104 Craven River Court, spoke in opposition of OLF and stated the Governor's Committee is meeting on October 23, 2007 and the Secretary of the Navy will be in Elizabeth City on November 15, 2007.

Hearing no further comments, Chairman Jeffrey Jennings proceeded with the meeting.

**Consideration of Agenda**

Chairman Jeffrey Jennings removed for discussion *Item 3. C. Budget Amendment 2007-08-BA006* from the *Consent Agenda*; added to the *Consent Agenda, Item 3.A. October 1, 2007 Regular Meeting Minutes, Selection of Most Responsive and Responsible Bid – Register of Deeds Office Expansion Project – Attorney John Morrison's Findings of Facts*; added *Item 6. A. Proposed State Stormwater Rules – Resolution No. 2007-10-03 – A Resolution of the Camden County Board of Commissioners Opposing Proposed Amendments to Coastal Stormwater Rules – 15A NCAC 02H.1005*; and added *Item 12. Closed Session – Personnel*.

County Manager Randell Woodruff asked that *Item 12. Closed Session – Economic Development* be added to the agenda.

Commissioner Sandy Duckwall made a motion to approve the agenda as amended. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**Consent Agenda**

Commissioner Philip Faison made a motion to approve the Consent Agenda items. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike

Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

- (Consent Agenda)
- October 1, 2007 Regular Meeting Minutes
- Tax Collection Report – September 2007
- (End of Consent Agenda)

**Budget Amendment 2007-08-BA006**

Chairman Jeffrey Jennings stated the Board would like to know at the November 5, 2007 Commissioners meeting how the truck for the Soil and Water Technician is titled and to make sure that Camden County is on the title jointly with Pasquotank County.

County Manager Randell Woodruff stated the truck had not been purchased yet and \$500.00 has been requested for the additional cost of an extended cab to be used for storage.

Commissioner Mike Andrews made a motion to approve Budget Amendment 2007-08-BA006. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**Old Business - Resolution No. 2007-10-02 – A Resolution of the Camden County Board of Commissioners Requesting the Services of the Division of Community Assistance Regarding Strategic Planning for Camden County**

Commissioner Melvin Jeralds made a motion to approve Resolution No. 2007-10-02. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Approved Resolution No. 2007-10-02 reads as follows:

**Resolution No. 2007-10-02**

**A Resolution of the Camden County Board of Commissioners  
Requesting the Services of the Division of Community Assistance For Camden County**

**WHEREAS**, the Camden County Commissioners wish to undertake the preparation of a strategic plan to provide direction for economic development; and

**WHEREAS**, the Camden County Commissioners would like assistance with this project from the North Carolina Department of Commerce, Division of Community Assistance; and

**WHEREAS**, the Division of Community Assistance (DCA) and the Camden County Commissioners have reached a mutual agreement on the work to be performed;

**NOW, THEREFORE BE IT RESOLVED**, that the Camden County Commissioners hereby request the Division of Community Assistance to assist the County with the preparation of a strategic plan, agrees to reimburse the Division of Community Assistance for the mileage and meal allowances of the DCA staff who assist the County on this project, and are committed to the implementation of this project when the work is completed.

Adopted this the 15<sup>th</sup> day of October, 2007.

(SEAL)

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Jeffrey B. Jennings, Chairman  
Camden County Board of Commissioners

ATTEST:

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Ava J. Gurganus, Clerk to the Board

**Public Hearings - Ordinance No. 2007-10-01 – Rezoning Application – Tracy Swain – UDO 2007-07-30**

Commissioner Mike Andrews made a motion to go into public hearing to receive comments from the public regarding Ordinance No. 2007-10-01. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Permit Officer Dave Parks stated the Camden County Planning Board met on September 19, 2007 and recommended denial to rezone applicant's property identified by PIN 01-7979-00-94-5653 from General Use District (GUD) to Basic Residential (R3-1) as the uses in the existing zoning classification is more appropriate than the existing uses in the requested zoning classification. Also, it is not consistent with the County's adopted Land Use Plan.

This matter was set for public hearing on October 1, 2007 and notice was given in the Daily Advance.

Chairman Jeffrey Jennings called for any comments from the public.

Eddie Hyman, Hyman & Robey, stated that the rezoning was compatible with the area due to adjacent residential zoning and the permitted use in the requested rezoning is more appropriate than the existing uses.

Hearing no further comments, Commissioner Philip Faison made a motion to go out of public hearing. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**Public Hearing - Ordinance No. 2007-10-02 – Rezoning Application – Camden County – UDO 2007-09-21**

Commissioner Melvin Jeralds made a motion to go into public hearing to receive comments from the public regarding Ordinance No. 2007-10-02. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Permit Officer Dave Parks stated Camden County Planning Board met on September 19, 2007 and recommended approval to rezone property identified by PIN 01-7071-00-67-6843 from Basic Residential (R3-2) to General Use District (GUD) and Highway Commercial (HC), as the uses in the requested zoning classification are more appropriate than the uses in the existing zoning classification, also it is consistent with the County's adopted Land Use Plan.

This matter was set for public hearing on October 1, 2007 and notice was given in the Daily Advance.

Chairman Jeffrey Jennings called for any comments from the public.

Hearing no comments, Commissioner Mike Andrews made a motion to go out of public hearing. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**Public Hearing - Ordinance No. 2007-10-03 – An Ordinance Amending the Camden County Code of Ordinances – Chapter 153**

Commissioner Sandy Duckwall made a motion to go into public hearing to receive comments from the public regarding Ordinance No. 2007-10-03. The motion passed

with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Permit Officer Dave Parks stated the Coordinating Committee established by the Adequate Public Facility Ordinance (APFO) met on August 2, 2007 to review the ordinance, related documents, and the status of implementing the ordinance. The County is currently denying adequacy for all but the exemptions as listed in the APFO.

One item of discussion at the coordinating committee meeting was the consideration of at what point in the approval process the measurement of adequacy and advancement of capacity should be required. Currently this occurs prior to approval of final plat, or if no plat is required, prior to issuing a building permit. For the reasons noted in the meeting notes, it is recommended that the adequacy determination be conducted, and advancement of capacity be applied, at the building permit approval stage. Since the Ordinance refers to the timing of determination at preliminary and final plat or building permit the recommendation may require a formal amendment to the APFO.

Chairman Jeffrey Jennings called for comments from the public.

Willie Gallop, 460 Neck Road, asked the cost of the capacity fee.

Permit Officer Dave Parks stated the cost for advancement is \$10,249.00.

Hearing no further comments, Commissioner Melvin Jeralds made a motion to go out of public hearing. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**Public Hearing - Special Use Permit Application – UDO 2007-08-09 – Home Occupation – Zackery Gravely**

Commissioner Melvin Jeralds made a motion to go into public hearing to receive comments from the public regarding UDO 2007-08-09. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Clerk administered the oath to Permit Officer Dave Parks and Zackery Gravely.

Permit Officer Dave Parks: *Yes, Mr. Chairman, Mr. Zackery Gravely from 151 Chamberlain Road, South Mills Township, has applied for a Special Use Permit for a home occupation to utilize his home as an office for Asunder, Inc. It is a business that he will go out and away from the house and mark underground utilities. The Planning Board had looked at the application and recommended approval with the conditions as stated in the Findings of Facts, which are in your package and at this time staff would like to submit as evidence. I would like to read the conditions to the public so they are aware of the conditions that are posted on the property for this Special Use Application. Condition #1. The applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws rules and regulations may apply to this development; 2. The applicant shall complete the development strictly in accordance with the plans submitted to the Planning Office of Camden County, North Carolina, and contained in the file titled UDO 2007-08-09; 3. There shall be no advertising signs posted on the property; 4. There shall be no visual evidence of a business on the property other than advertising on one vehicle; 5. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this special use permit shall be voided and have no effect. Mr. Gravely is here if the Commissioners would have any questions for him.*

Chairman Jeffrey Jennings: *Commissioners have any questions? If not, do I hear a motion to go out of public hearing on this issue?*

Commissioner Philip Faison: *So moved.*

Chairman Jeffrey Jennings: *Commissioner Faison made a motion to go out of public hearing. All in favor signify by saying aye; all opposed like sign.*

Commissioner Philip Faison made a motion to close public hearing regarding UDO 2007-08-09. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**Public Hearing - Special Use Permit Application – UDO 2007-08-15 – Special Events – Ted & Brenda Nash**

Commissioner Sandy Duckwall made a motion to go into public hearing to receive comments from the public regarding UDO 2007-08-15. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Chairman Jeffrey Jennings: Anyone wishing to speak on this subject should be sworn in at this time.

The Clerk administered the oath to Permit Officer Dave Parks, Ted and Brenda Nash, and Frank Eason.

Permit Technician Dave Parks: *Yes, Mr. Chairman, Ted and Brenda Nash has applied for a Special Use Permit for a special event of holding auctions on the property located at 947 North NC343. The application went to the Planning Board on September 19, 2007 and they recommended approval with the conditions as stated in the Findings of Facts which a copy is in your Board packets and at this time staff will submit these as evidence. The Planning Board recommended approval on a 5-0 vote with the conditions as I will read to you. Condition #1. The applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws rules and regulations may apply to this development; 2. The applicant shall complete the development strictly in accordance with the plans submitted to the Planning Office of Camden County, North Carolina, and contained in the file titled UDO 2007-08-15; 3. Applicant limited to two (2) auctions a month on property; 4. Applicant shall provide minimum of two (2) porta johns at each event; 5. On site advertising shall be limited to two (2) weeks prior to event; 6. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval in its entirety shall be void and have no effect. Commissioners have any questions?*

Chairman Jeffrey Jennings: *Anyone have any questions?*

Commissioner Mike Andrews: *Mr. Chairman. What does this fall under..special use...it says here two (2) events a month. Also advertising should be limited to two (2) weeks prior to the event so that means there is going to be advertising up all the time.*

Permit Officer Dave Parks: *There will be advertising on the property more of a display sign, advertising sign that they use informing the public of an auction that will take place on the property. It is classified as special events because the Planning Board and staff looked at it as it is really not a commercial business because a commercial business is more entailed to be five (5) days a week, continuous business on a property. Special events that are held periodically, once or twice a month, not to exceed two weeks.*

Commissioner Mike Andrews: *Is there going to be traffic coming and going all the time.*

Permit Officer Dave Parks: *You will have some traffic on the property. He has an area for parking. I think the parcel is ten (10) acres of land for sufficient amount of parking*

*for the public to attend the auctions. Most of the property itself is there is an existing house on the property and a big barn on the property to where most of the stuff will be stored and once the auction is done, most of the stuff will be torn down.*

Commissioner Mike Andrews: *There is a tent up there now. Will that stay?*

Permit Officer Dave Parks: *That will be dismantled. When Mr. Nash went to the Planning Board, he thought it was automatically approved, so he started setting up for one he had planned but wanted to make sure he was right with the County. I explained to him that he can not hold the auction until the permit is approved. So the tent will come down, yes sir.*

Chairman Jeffrey Jennings: *Any more questions? Comments from anybody that was sworn?*

Frank Eason: *Frank Eason, 916 North NC 343. The auction business is a little bit different than most businesses that you are aware of. I've worked for seven (7) auctioneers from Plymouth, North Carolina to Carrollton, Virginia, Chesapeake and Cortland, Virginia. These auctioneers do auctions once a month. That's a regular basis. My only problem with this is the term regular. Regular in the auction business is once a month. Irregular is something less. That is my only objection.*

Brenda Nash: *Brenda Nash, 918 North NC343. One of the stipulations is that there be no more than two (2) auctions per month and Ted has been auctioning for five (5) years on his own and about eight (8) years working with other people. I don't know how much you know about the auction business but there is a ton of work involved in putting an auction together and it will be very rare to have two (2) a month. You are probably looking at something like once a month but on the rare chance, you may do one (1) auction per month and then you may go three (3) months without doing any at all. So there is really nothing consistent as far as an amount but it will be limited to two (2) per month.*

Chairman Jeffrey Jennings: *Thank you. Anyone else? If not, do I hear a motion to go out of public hearing.*

Commissioner Melvin Jeralds: *So moved.*

Commissioner Melvin Jeralds made a motion to go out of public hearing. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**Public Hearing - Special Use Permit Application – Camden County - UDO 2007-09-20 – Telemetry Towers (Sewer)**

Commissioner Philip Faison made a motion to go into public hearing to receive comments from the public regarding UDO 2007-09-20. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Chairman Jeffrey Jennings: *Anyone wishing to speak on this issue needs be sworn in at this time.*

The Clerk administered the oath to Permit Officer Dave Parks and Scott Wilson Parsons.

Permit Officer Dave Parks: *Mr. Chairman, I would like to get the county engineer, James Bowen sworn in at this time also please. He may have to answer some questions that I am not specific in that field.*

The Clerk administered the oath to James Bowen.

Permit Officer Dave Parks: *Yes, Mr. Chairman, during the phase of the installation of the sewer treatment plant and sprayfields it was brought up that later on there was supposed to be variations of telemetry towers located at various areas in the county. Our county regulations state that any structure that is taller than 35' does require a Special Use Permit. There are three (3) locations in the county that 40' towers are going to be placed. There will be one at our sprayfields, one at the sewer plant location itself, and one on the property adjacent to the daycare center at NCDC. The application went to the Planning Board on September 19, 2007 and they viewed and looked at the Findings of Facts and documents submitted in the Findings of Facts and recommended approval with the conditions as stated in the Findings of Facts at which time staff would like to present these as evidence. The property at the treatment plant and day care center are zoned for the use but still require a Special Use Permit. The property at the sprayfield current zoning prohibits the erection of that tower and that use and that's why the rezoning had taken place earlier in the meeting. Staff would like to go through the Finding of Facts for the telemetry towers and that the county abides by all its ordinances. Condition #1. The applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws rules and regulations may apply to this development; 2. The applicant shall complete the development strictly in accordance with the plans submitted to the Planning Office of Camden County, North Carolina, and contained in the file titled UDO 2007-09-20; 3. In accordance with Article 151.139 type A landscaping required for proposed site at 151 US 158 East. Type A landscaping can consist of a fence surrounding that tower. They were putting up a 6' fence; 4. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this Special Use Permit shall be voided and have no effect. If the Commission has any questions, ask away and I would like to open up for anyone who would like to speak on this issue.*

Chairman Jeffrey Jennings: *Anybody have any questions at this time?*

Commissioner Mike Andrews: *Is the tower at the treatment plant already up?*

Permit Officer Dave Parks: *Yes sir. The county owns both the treatment plant property and the sprayfield property.*

Commissioner Mike Andrews: *That is a tower. I went up there the other day, so it is not much bigger than a telephone pole.*

Permit Officer Dave Parks: *It is not much bigger than a telephone pole. It is 40' and the weight documentation is 68 lbs. and documentation that was submitted with the application states that those towers are rated for 110 mph winds which is required by the county.*

Commissioner Mike Andrews: *It is not very intrusive. You can see a telephone pole better than you can see that tower.*

Permit Officer Dave Parks: *That is correct.*

Chairman Jeffrey Jennings: *Anyone else?*

Scott Wilson Parsons: *My name is Scott Wilson Parsons, Secretary for the Board of Directors for NCDC, which operates the NE Child Development Center located at 151 Gumberry. Note that we do not oppose the towers at the sprayfield and the other location; it is only the one adjacent to our property that we are concerned about. We rise to express our opposition of this location of this 40' radio telemetry tower in the utility easement granted by us some time ago. When we signed this easement we understood that we were allowing the installation of a gravity based waste water conduit. At some point the county changed the design of the system and now our easement must contain two tanks, a pump, a rather large electrical panel and only two weeks ago we learned that connection to the system would also require a remote monitoring system through a dedicated radio telemetry tower. The installation of a 40' free standing tower, which fall*

zone covers part of our parking lot and comes within 10' of the largest child care center in the county. We did not receive the courtesy in being consulted on this nor where we given the opportunity to withdraw the easement after seeing what the installation would entail and retaining our existing waste water treatment septic system. We were informed that this is how it is going to be since we had already signed the easement and that there was basically nothing that we could do about it until tonight, because a 40' tower requires a Special Use Permit and a public hearing. Of all the academic sciences, engineering is unique. The pure scientist seeks the one true answer to a specific question. Engineering is different. Engineering is different because it seeks the best answer from many answers. You see engineering is not about getting at some pure truth, it's about solving a problem. The engineer will use the pure sciences to find solutions but the engineer must also ask and answer other questions. Questions that involve more specific and more practical matters, long term and short term cost in terms of money, environment and people. The pure sciences may be free from political concerns but engineering, and especially civil engineering, rarely is. For rarely will an engineer encounter a problem for which there is one single, pure, elegant solution. We are faced today with an engineering problem. How do we monitor a sewage pumping station? On the surface it seems to be a fairly simple question. There are basically four variations on this solution available today; visual recordings and manual flow rates coupled with an alarm system in case of failure; hardwire telemetry, which would utilize an existing telephone or fiber optic system, either with a dedicated line or with a tap into an existing line; a shared radio telemetry option that would use existing wireless technology that enables you and I to use our wireless cell phones, smart phones and blackberries, and finally dedicated radio telemetry, which would use an on site transmitter and tower coupled with a central receiver and monitoring station. Of these, only the last requires and external antenna and in many situations, as you have already heard, this antenna need only be a few feet tall, but because of interference by surrounding trees and structures, this tower, in this location, and this solution, must be 40' tall. So, as we look at the four options about how to best deal with this engineering problem, the engineer must look at technological practicalities as well as physical, environmental and human consideration in terms of cost and liabilities. With all of this being said that we will stipulate that the engineers may have made a reasonable technological and physical recommendation to use this form of dedicated radio telemetry to monitor its pumping stations. The technology is proven and effective. Though the initial costs are relatively high compared to some of the others, the long term operational cost are relatively low. It is likely that in the very large majority of pump monitoring situations this may have been the best solution for our county but not everywhere. We oppose this tower and its proposed location. We oppose it on the grounds of its proximity to the one hundred children at Northeastern Child Development Center. We oppose it because we believe that the applicant erred in stating that the tower will not pose a risk to people or existing structures. We oppose it due to the risk of collapse. Those such towers have a very good track record and are rated for relatively high wind speed. The collapse of the WSKY tower in this very county in a mere 40 mph wind suggests that freak accidents due to a manufacturing defect or other issue at much lower wind speeds than rated is at least possible. We oppose it due to the risk of lightening, though the electronics of the system would certainly have adequate lightening protection, people do not. Nearly half of the serious lighting injuries were caused not by direct strikes but by ground currents, which occur when lightening hits a grounded conductor such as an antenna and travels through the ground some distance away. The distance can vary widely but the proximity of a horizontal conductor near the tower, such as the chain link fence around our playground, could have the effect of extending such a ground current effect and risks. Another common cause of lightening injuries are ground arcs which can radiate above ground more than 60' from a direct strike at a conductor. You and I know we live in a lightening prone area. Therefore we believe that the applicant erred when they stated that the structure poses not risk to people or structures. We believe that the applicant failed in a public duty to communicate with impacted property owners and we further believe that the applicant did not give due consideration to other potential options for accomplishing the same goal. If this tower were being placed as it is at the sprayfield away from people and buildings, if it were shorter than the surrounding buildings, if we had been consulted on options beforehand and been able to talk about other possibilities and other solutions, I would not be here tonight. But we do not believe that this is the only solution or even



*the best solution. We urge the Commission deny this permit and require the engineers to come up with another option. Thank you.*

Attorney John Morrison: *Excuse me, Mr. Chairman, may I ask a question?*

Chairman Jeffrey Jennings: *Yes sir.*

Attorney John Morrison: *I want to compliment you on your presentation. It was very elegantly and scholarly delivered but the Board has got to base its decision in a quasi judicial proceeding, such as this, on what our courts refer to as competent evidence and therefore I need to ask you, what is your background in construction, engineering and the sciences as a lot of your testimony dealt ...*

Scott Wilson Parsons: *I had help from a senior engineering student at Old Dominion University and I had help from my father-in-law who is a retired engineer from the city of Thomasville, Georgia.*

Attorney John Morrison: *What is your background sir.*

Scott Wilson Parsons: *My background is that I am an ordained United Methodist minister.*

Attorney John Morrison: *Well, you are doing God's work I'm sure but I am not certain that you are an expert in engineering but it was beautifully delivered. Thank you. Mr. Chairman, it is your obligation, members of the Board, to take into account that the Minister's presentation dealt with quite a bit of science. He is not a scientist and the opinions he expressed is hearsay by his own admission and that he got this information from others who are not here and not subject to cross examination. Therefore you should not consider the scientific testimony if it results in an opinion that only a scientist or engineer would be capable of giving. That being said, he addressed a number of other serious concerns which he is competent to express opinions on.*

Scott Wilson Parsons: *I did bring some documents that relate to other options...*

Attorney John Morrison: *You may offer those documents but the document itself is hearsay.*

Scott Wilson Parsons: *They are from the manufacturer of....*

Attorney John Morrison: *I understand. I know this is difficult, but I am real keen on this item because this is becoming a serious matter with appellate courts. You are setting as a quasi judicial board now. You are not functioning as a political entity. Accordingly, you operate as a court that is not near as formal as district or superior court but our appellate courts in considering your decisions have said that the evidence must at least be confident and there must be certain fundamentally fair, and that is due process, safe guards in place, one of which is the right to cross examine. You can not cross examine a piece of paper. It can't speak back to you as to how it was made and who made it, etc. It was a very well argued position. I commend the Reverend on it and I'm not expressing an opinion one way or the other as to whether you should maintain or oppose his position; I just want you to understand that the science behind it is not competent because he is not competent to render an opinion on science.*

Chairman Jeffrey Jennings: *Thank you. Any more comments from anyone?*

Commissioner Mike Andrews: *The pastor mentioned about the easement and the easement change. Sir, who contacted you about the easement or who have you had contact with concerning the easements.*

Scott Wilson Parsons: *The only person I have had direct contact with is David Credle.*

Commissioner Mike Andrews: *So I understand that this is not what you were originally lead to believe was that when you gave the easement right.*

Scott Wilson Parsons: *Four (4) years ago.*

Commissioner Mike Andrews: *Thank you sir. James, is there a reason that the three (3) towers we use versus other means of communication.*

James Bowen: *The existing water treatment plant is that same system so the well sites for both of the wells and the elevated storage tanks use the same system to relay information back to the water treatment plant and now all that information will also go to the wastewater treatment plant so that is why we chose telemetry with radios opposed to a telephone line.*

Commissioner Mike Andrews: *To go with the existing....*

James Bowen: *That's right and the telephone line would require everybody to have a separate telephone line or they could possibly share one but that would be an added expense to the property owner to have to pay for that telephone line.*

Commissioner Mike Andrews: *Did your office design a location of this tower, the one down there by the school?*

James Bowen: *Yes. We chose the location itself, the tower is actually a subcontractor that actually designs the telemetry system and he fits the height of the tower and we tell them approximately where the tower needs to go. Then he determines how high it has to be.*

Commissioner Mike Andrews: *Is that the first choice for it to be there?*

James Bowen: *Yes.*

Commissioner Mike Andrews: *In your opinion how far is it from the day care building?*

James Bowen: *45'. I believe we set it so it would have adequate fall from the power lines located nearby and building.*

Commissioner Mike Andrews: *So if something should happen, it should not hit any structures or playgrounds. It may fall on somebody's car but it won't hit a building or...*

James Bowen: *Correct. It is also located so that it will be located within the 6' fence that goes around the pump station.*

Commissioner Mike Andrews: *Is this type tower that will fall this way or drop vertically?*

James Bowen: *It's a three legged tower with lattice work that goes up it and for maintenance reasons, they can undo a bolt on one of the legs and it lean over in a certain direction so if they have to do any maintenance on the antenna itself, they can lean it down and climb it and it is rated 110 mph wind velocity.*

Commissioner Mike Andrews: *Thank you James. Thank you Mr. Chairman.*

Melvin Jeralds: *James, the gentleman is correct in saying that we did switch from gravity fed to a different system and they asked to be opted out. What was the reason they were denied, to not let them out if they wanted out?*

James Bowen: *I am not aware of the fact that they were not allowed out. We didn't actually sign people up until, I thought it was right before we started construction, approximately a year ago. That was when the agreements were signed for everybody for everyone who wanted to connect. I think it stopped in, I forget the exact date, it was last summer some time.*

Scott Wilson Parsons: *I have an easement here dated December 2004.*

Attorney John Morrison: *Mr. Chairman, if I may again. I think what the Board is most interested in is getting at the truth of this matter. Obviously, it is very serious concerns with having this telemetry system in place so that the system will work. There is always a certain concern for the safety of our citizens.*

James Bowen: *Well the telemetry system there provides safety so that in case a pump breaks down, the water department, sewer department is notified immediately so that they can come out there and fix the problem so that there is no overflow.*

Attorney John Morrison: *For the record you are a licensed civil engineer.*

James Bowen: *Yes.*

Attorney John Morrison: *And when did you take your degree?*

James Bowen: *I graduated in 1999.*

Attorney John Morrison: *Where did you take your degree?*

James Bowen: *Virginia Tech. My license I got in North Carolina.*

Attorney John Morrison: *And you have worked on, I would assume, many, many such jobs as this.*

James Bowen: *Yes.*

Attorney John Morrison: *Mr. Chairman, this witness would be an expert and would be capable of expressing opinion. You may or may not want members of the Board to ask him about the questions that the Reverend raised as to whether they were true or not. You certainly do not have to but that is your right to do so. Also the appropriate time you should give the right to the Minister to cross examine him about his propositions, if he so desires.*

Chairman Jeffrey Jennings: *Anyone have any questions? Reverend Parsons, I have a question for you. Is the main concern with the daycare is it the location, I'm assuming the location of the tower is the main concern?*

Scott Wilson Parsons: *The presence of the tower, location of the tower.*

Chairman Jeffrey Jennings: *But that is the main concern, where the tower is located?*

Scott Wilson Parsons: *Yes.*

Chairman Jeffrey Jennings: *Other than that concern, the location of this tower, that is the main concern you have.*

Scott Wilson Parsons: *I guess why I am quivilling is that moving it 5' one way or the other is not going to alleviate the problem.*

Chairman Jeffrey Jennings: *Well, that's what I'm trying to find out. Your opposition to this tower is the location, and that is the only concern you really have here.*

Scott Wilson Parsons: *We accepted the tanks, the pump and the big electric board and all that sort of stuff; we're ok with that and we understand and agree that telemetry needs to be done in some way, we think there are other options.*

Chairman Jeffrey Jennings: *Ok. Anybody got anymore questions for James or the other parties?*

Scott Wilson Parsons: *And we will be willing to cooperate and negotiate in any way we can to make this work.*

Attorney John Morrison: *Mr. Chairman, you should give the Minister the right, if he has any questions of the engineer, this would be the time.*

Chairman Jeffrey Jennings: *Do you have any questions for Mr. Bowen?*

Scott Wilson Parsons: *How would the tower be serviced?*

James Bowen: *The tower is the property of Camden County and the pump stationed and everything within that....*

Scott Wilson Parsons: *So there would be a monthly, annual insurance premium taken out on that tower?*

James Bowen: *I would assume as far as any public utility there is insurance.*

Attorney John Morrison: *I am not sworn as a witness Reverend but it is public record that the county maintains liability insurance of at least \$2,000,000.00 per incident.*

Scott Wilson Parsons: *Can you give me an estimate on the cost of that tower and related equipment.*

James Bowen: *I can not. It is a subcontractor that provides the contract for the telemetry. It was not broken down....actually I do not have a line item cost for that.*

Chairman Jeffrey Jennings: *Thank you. Anyone else? If not, do I hear a motion to go out of public hearing on this Special Use Permit Application?*

Commissioner Sandy Duckwall: *So moved.*

Chairman Jeffrey Jennings: *Commissioner Duckwall has made a motion to go out of public hearing. All those in favor signify by saying aye: All opposed like sign.*

Commissioner Sandy Duckwall made a motion to go out of public hearing. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

#### **Amendment to Agenda**

Hearing no objections, Chairman Jeffrey Jennings requested the Clerk add the following to the November 5, 2007 agenda:

- *Ordinance No. 2007-10-01 – Rezoning Application – Tracy Swain – UDO 2007-07-30*
- *Special Use Permit Application – UDO 2007-08-15 – Special Events – Ted & Brenda Nash*
- *Special Use Permit Application – Camden County - UDO 2007-09-20 – Telemetry Towers (Sewer)*

Chairman Jeffrey Jennings added *Item 6. New Business, B. Special Use Permit Application – UDO 2007-0-09 – Home Occupation – Zackery Gravely; Item 6. New Business, C. Ordinance No. 2007-10-03 – An Ordinance Amending the Camden County Code of Ordinances – Chapter 153; and Item 6. New Business, D. Ordinance No. 2007-10-02 – An Ordinance Amending the Camden County Zoning Map – Rezoning Application – Camden County – UDO 2007-09-21* to the agenda.

Commissioner Mike Andrews made a motion to approve the agenda as amended. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**Proposed State Stormwater Rules – Resolution No. 2007-10-03 – A Resolution of the Camden County Board of Commissioners Opposing Proposed Amendments to Coastal Stormwater Rules – 15A NCAC 02H.1005**

Commissioner Mike Andrews made a motion to approve Resolution No. 2007-10-03. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Approved Resolution No. 2007-10-03 reads as follows:

**Resolution No. 2007-10-03  
RESOLUTION OPPOSING PROPOSED AMENDMENTS TO COASTAL  
STORMWATER RULES – 15A NCAC 02H .1005**

**WHEREAS**, The Department of Environmental and Natural Resources and the Division of Water Quality are proposing amendments to Coastal Stormwater Rules for 20 coastal counties that are more restrictive than Phase II Stormwater Rules that were adopted July 1, 2007; and

**WHEREAS**, Topography and physical conditions of the Federal Phase II counties (New Hanover, Brunswick, and Onslow) is very different from the topography and physical conditions in Northeast North Carolina and a “one size fits all” approach to stormwater regulations is impractical; and

**WHEREAS**, The proposed rules do not address existing development, redevelopment, and vested rights; and

**WHEREAS**, The proposed rules decrease the land disturbance threshold required for permitting (from 1 acre to 10,000 square feet) which will increase the number of permit applications and place undue burden on single family homes and other small projects with additional engineering costs; and

**WHEREAS**, The proposed rules decrease the impervious surface threshold (from 30 percent to 24 percent) which will result in the elimination of affordable housing in coastal counties while increasing the costs of building schools, fire stations, and other public buildings; and

**WHEREAS**, The proposed rules eliminate wetlands from impervious surface calculations which will limit the buildable area and usefulness of a parcel of land; and

**WHEREAS**, The proposed rules do not address the long-term maintenance issues associated with the upkeep of drainage swales, ditches, and other required drainage improvements; and

**WHEREAS**, The proposed rules do not address the potential economic or environmental impacts to local government, residents, business or industry.

**NOW, THEREFORE BE IT RESOLVED**, this the 15th day of October, 2007, that the Camden County Board of Commissioners opposes the proposed changes to Coastal Stormwater Rules Title 15A NCAC 02H .1005 as they lack sufficient supporting evidence related to development and economic impacts.

(SEAL)

\_\_\_\_\_  
Jeffrey B. Jennings, Chairman  
Camden County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Ava Gurganus, Clerk to the Board

**Ordinance No. 2007-10-02 – Rezoning Application – Camden County – UDO 2007-09-21**

Commissioner Philip Faison made a motion to approve Ordinance No. 2007-10-02. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Approved Ordinance No. 2007-10-02 reads as follows:

**Ordinance No. 2007-10-02  
An Ordinance  
Amending the Camden County**

**Zoning Map  
Camden County, North Carolina**

**Article I: Purpose**

The purpose of this Ordinance is to amend the Zoning Map of Camden County, North Carolina, which was originally adopted by the County Commissioners on December 20, 1993, and subsequently amended.

**Article II. Amendment to Zoning Map**

The Official Zoning Map of Camden County, North Carolina, which was adopted on December 20, 1993, and subsequently amended, is hereby amended as follows:

The property currently shown in the Camden County Tax Assessor’s Office as PIN 01-7071-00-67-6843 is hereby re-zoned from Basic Residential (R3-2) to General Use District (GUD) and Highway Commercial (HC)

**Article III. Penalty**

- 1. Violations of the provision of this Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or Special Use or Conditional Use Permits, shall constitute a misdemeanor, punishable by a fine of up to five-hundred (\$500) dollars or a maximum thirty (30) days imprisonment as provided in G. S. 14-4.
- 2. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Special Use or Conditional Use Permits, shall also subject the offender to a civil penalty of one-hundred (\$100) dollars for each day the violation continues. If the offender fails to pay the penalty within ten (10) days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Article 151.568 and did not take an appeal to the Board of Adjustment within the prescribed time.
- 3. This Ordinance may also be enforced by any appropriate equitable action.
- 4. Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- 5. Any one, all or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

**Article IV. Severability**

If any language in this Ordinance is found to be invalid by a court of competent jurisdiction or other entity having such legal authority, then only the specific language held to be invalid shall be affected and all other language shall be in full force and effect.

**Article V. Effective Date**

This Ordinance is effective upon adoption.

Adopted by the Board of Commissioners for the County of Camden this 15<sup>th</sup> day of October, 2007.

(SEAL) County of Camden

\_\_\_\_\_  
Jeffrey B. Jennings, Chairman  
Camden County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Ava Gurganus  
Clerk to the Board

**Ordinance No. 2007-10-03 – An Ordinance Amending the Camden County Code of Ordinances – Chapter 153**

Commissioner Mike Andrews made a motion to approve Ordinance No. 2007-10-03. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Approved Ordinance No. 2007-10-03 reads as follows:

**Ordinance No. 2007-10-03**

**An Ordinance  
Amending the Camden County  
Code of Ordinances**

**Camden County, North Carolina**

BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

**Article I: Purpose**

The purpose of this Ordinance is to amend the Chapter 153 of the Camden County Code of Ordinances of Camden County, North Carolina, which was originally adopted by the County Commissioners on February 19, 2007, and subsequently amended and as otherwise incorporated into the Camden County Code.

**Article II. Construction**

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. New language of proposed ordinance shall be shown in italics (*italics*) and underlined.

**Article III. Amend Chapter 153 as amended of the Camden County Code  
which shall read as follows:**

**§ 153.04 CERTIFICATE OF ADEQUATE PUBLIC SCHOOL FACILITIES AND EXEMPT FACILITIES.**

(A) The Camden County Board of Commissioners hereby establishes that, except as provided otherwise herein, each application for ~~preliminary/final plat approval (in the case of a subdivision) or each~~ *a* building permit for the development of property for a residential use ~~not located in a subdivision~~, must be accompanied by a Certificate of Adequate Public School Facilities (CAPS). Prior to the issuance of a CAPS, the county must make a finding that adequate public school facilities exist to support the expected student load generated by the subject parcel.

**§ 153.05 LEVEL OF SERVICE AND CRITERIA FOR CAPS DETERMINATION.**

(D) All ~~preliminary plat approval requests, final plat approval requests, and~~ building permit approval requests subject to this chapter will be submitted to the Administrator for a CAPS determination. The Administrator shall use the following formulas in establishing CAPS eligibility:

Adopted by the Board of Commissioners for the County of Camden this 15th day of October, 2007

(SEAL)

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Jeffrey B. Jennings, Chairman  
Camden County Board of Commissioners

ATTEST:

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Ava J. Gurganus  
Clerk to the Board

**Special Use Permit Application – UDO 2007-08-09 – Home Occupation – Zackery Gravelly**

Commissioner Mike Andrews made a motion to approve UDO 2007-08-09. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

**SOUTH CAMDEN WATER and SEWER DISTRICT BOARD OF DIRECTORS**

During the regular meeting of the Camden County Board of Commissioners, Chairman Jeffrey Jennings recessed the Board of Commissioners meeting at 8:06 p.m. and called the South Camden Water and Sewer District Board of Directors regular meeting to order.

Member Sandy Duckwall made a motion to adjourn the South Camden Water and Sewer District Board of Directors meeting. The motion passed with Members Melvin Jeralds, Sandy Duckwall, Philip Faison and Mike Andrews voting aye; no Member voting no; no Member absent; and no Member not voting.

The South Camden Water and Sewer District Board of Directors meeting adjourned at 8:14 p.m.

**Commissioner's Report**

Chairman Jeffrey Jennings gave an update on the jail project and the various problems associated with the construction of the new jail.

**County Manager's Report**

County Manager Randell Woodruff reported on the following:

- USDA loan for construction of new fire station for South Mills Fire Department
- Rural Center authorized the use of excess funds to construct a building at the sprayfield and to pave the road from Keeter Barn to the treatment plant.
- Gave overview of recent meeting with Senator Basnight and representatives from Golden Leaf Foundation in Raleigh.
- Submitted Parks & Rec and Sheriff's flyer to the Board.
- John Morrison reviewed the AIA Contract dated October 15, 2007 with completion date of April 12, 2008.
- Trip to Washington, DC to meet with Senators, Representatives and the Navy to discuss opposition to the OLF.

**Closed Session**

Commissioner Philip Faison made a motion to go into closed session pursuant to G.S. 143-318.11(a)(3) for the purpose of consultation with Attorney, pursuant to G.S. 143-318.11(a)(4) for the purpose of discussing economic development, and pursuant to G.S. 143-318.11(a)(6) for the purpose of discussing personnel. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners entered closed session at 8:40 p.m.

Commissioner Sandy Duckwall made a motion to come out of closed session and back into regular session. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners re-entered regular session at 9:40 p.m.



**Adjournment**

Commissioner Sandy Duckwall made a motion to adjourn the meeting. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The meeting adjourned at 9:41 p.m.

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Jeffrey B. Jennings, Chairman  
Camden County Board of Commissioners

ATTEST:

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Ava J. Gurganus  
Clerk to the Board